



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

JUL 14 2014

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Uniform Formulary Beneficiary Advisory Panel*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Uniform Formulary Beneficiary Advisory Panel* (attached). The Panel will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Panel's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-692-5949.

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

Charter
Uniform Formulary Beneficiary Advisory Panel

1. Committee's Official Designation: The Committee will be known as the Uniform Formulary Beneficiary Advisory Panel ("the Panel").
2. Authority: The Secretary of Defense, in accordance with the provisions of 10 U.S.C. 1074g(c), the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Panel.
3. Objectives and Scope of Activities: The Panel shall provide independent advice and recommendations on the development of the uniform formulary, as set out in paragraph four below.
4. Description of Duties: The Panel shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)) and the Director, Defense Health Agency, independent advice and recommendations on the development of the uniform formulary. The Secretary of Defense shall consider the comments of the Panel before implementing the uniform formulary or implementing changes to the uniform formulary.
5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Secretary of Defense or the Deputy Secretary of Defense, through the USD(P&R), the ASD(HA) and the Director, Defense Health Agency. The USD(P&R) may act upon the Panel's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Office of the USD(P&R) and the Defense Health Agency, shall provide support, as deemed necessary, for the Panel's performance, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$71,000. The estimated annual personnel cost to the DoD is 0.25 full-time equivalents.
8. Designated Federal Officer: The Panel's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD employee and shall be appointed, pursuant to governing DoD policies and procedures.

The Panel's DFO is required to be in attendance at all meetings of the Panel and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Panel's DFO, a properly approved Alternate DFO, duly appointed to the Panel, according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Panel and its subcommittees.

The DFO, or Alternate DFO, shall call all meetings of the Panel and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate

Charter
Uniform Formulary Beneficiary Advisory Panel

DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's DFO, in consultation with the Panel's Chair. The estimated number of Panel meetings is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Panel shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense or designee extends it.
12. Membership and Designation: The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be comprised of no more than 15 members. The panel shall include members that represent:
 - a. Non-governmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries;
 - b. Contractors responsible for the TRICARE retail pharmacy program;
 - c. Contractors responsible for the national mail-order pharmacy program; and
 - d. TRICARE network providers.

The Panel members shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense and their appointments shall be renewed on an annual basis in accordance with DoD policies and procedures. Individuals who are not full-time or permanent part-time Federal employees shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Individuals who are full-time or permanent part-time Federal employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as regular government employee (RGE) members. Panel members shall serve a term of service of one-to-four years, and no member may serve more than two consecutive terms of service without the Secretary of Defense or the Deputy Secretary of Defense approval. This same term of service limitation also applies to any DoD authorized subcommittee.

All members of the Panel are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Panel members will serve without compensation except for reimbursement of travel and per diem as it pertains to official business of the Panel.

13. Subcommittees: The Department, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(I), as the Panel's Sponsor.

Charter
Uniform Formulary Beneficiary Advisory Panel

Such subcommittees shall not work independently of the chartered Panel, and shall report all of their recommendations and advice solely to the Panel for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Panel. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Panel, directly to the DoD or any Federal officers or employees.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Panel. Subcommittee members shall not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal employees, shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. With the exception of reimbursement for official travel and per diem related to the Panel or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Records Schedule 26, and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date:

Membership Balance Plan
Uniform Formulary Beneficiary Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the 10 U.S.C. § 1074g(c), the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Uniform Formulary Beneficiary Advisory Panel (“the Panel”).
2. Mission/Function: The Panel shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)) and the Director, Defense Health Agency, independent advice and recommendations on the development of the uniform formulary. The Secretary of Defense shall consider the comments of the Panel before implementing the uniform formulary or implementing changes to the uniform formulary.
3. Points of View: The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be comprised of no more than 15 members and shall include members that represent:
 - a. Non-governmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries;
 - b. Contractors responsible for the TRICARE retail pharmacy program;
 - c. Contractors responsible for the national mail-order pharmacy program; and
 - d. TRICARE network providers.

Panel members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employees (SGE) members. Panel members, who are full-time or permanent part-time Federal employees, shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as regular government employees (RGE) members.

The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Panel. The Department has found that viewing the complex issues facing the DoD through a multi-disciplinary advisory committee, provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Members of the Panel are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Panel’s membership is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Panel’s Sponsor. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: Other criteria intended to help maintain a balanced membership on the Panel are knowledge and familiarity of the TRICARE pharmacy benefit as well as the experience and background needed to understand the pharmaceutical and scientific materials provided at the panel’s meetings.

Membership Balance Plan
Uniform Formulary Beneficiary Advisory Panel

Panel members who represent beneficiary associations are recruited from the Military coalition and the National Military and Veterans Alliance. The represent over 4.2 million members and 56 various military associations and groups, they also represent the views and interests of a large number of eligible beneficiaries worldwide.

5. Candidate Identification Process: The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals with extensive backgrounds in organizations that represent the views and interests of a large number of eligible covered beneficiaries; contractors responsible for the TRICARE retail pharmacy program; contractors responsible for the national mail-order pharmacy program; and TRICARE network providers. Potential candidates are identified when the Panel's Designated Federal Officer and the Panel's professional staff request nominees from the Military Coalition, the National Military and Veterans Alliance, pharmacy contractors, and the TRICARE network providers from each region.

Once potential candidates are identified, ASD(HA) in consultation with the Director, Defense Health Agency reviews the credentials of each individual and narrows the list of potential candidates. During the ASD(HA) review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Panel to achieve expertise in points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for review and formal nomination to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list will undergo a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Defense or the Deputy Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Panel, to include its subcommittees, for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees.

Membership vacancies for the Panel and its subcommittees will be filled in the same manner as described in the previous five paragraphs above.

Membership Balance Plan
Uniform Formulary Beneficiary Advisory Panel

6. Subcommittee Balance: The Department, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Panel.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members of the Panel, to include annual renewals. Individuals considered for appointment to any subcommittee of the Panel may come from the Panel itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matter under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense before participating in any subcommittee work.

Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or the Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the rules and regulations issued by the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Panels and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: